

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAMON HERNANDEZ and RAMONA
DOMINGUEZ, on behalf of themselves, FLSA
Collective Plaintiffs, and the Class,

Plaintiffs,

- against -

TRINITY SCHOOL REALTY HOLDING
CORPORATION d/b/a TRINITY SCHOOL, ISS
FACILITY SERVICES, INC., and
JOHN DOES 1-10

Defendants.

Case No. 21-cv-06459

NOTICE OF REMOVAL

Defendant ISS Facility Services, Inc., by and through its attorneys Lewis Brisbois Bisgaard & Smith LLP, respectfully submits as follows:

1. On or about July 9, 2021, Defendant was served the Summons and Amended Complaint in the above-entitled action, pending in the Supreme Court of New York, New York County, naming the above-referenced party as defendant, and purporting to give notice of the nature of the claims for relief upon which the action is based. Plaintiffs' First Amended Class Action Complaint, filed November 13, 2020, and Summons, filed November 13, 2020, are annexed hereto as Exhibit A. The Supreme Court assigned Index No. 154872/2020 to the action. Defendant has not filed an answer or otherwise appeared in the pending action in the Supreme Court, and the time for it to answer and appear has not yet run.

2. Prior to Defendant's receipt of the First Amended Class Action Complaint, and on November 13, 2020, Defendant Trinity School Realty Holding Corporation d/b/a Trinity School was voluntarily dismissed from the case without prejudice by the filing of the Stipulation of Discontinuance Without Prejudice, a copy of which is annexed hereto as Exhibit B.

3. Defendant ISS Facility Services, Inc. hereby removes this action based on federal question jurisdiction. Federal question jurisdiction exists when a violation of the United States Constitution or of a Federal statute or law is alleged. 28 U.S.C. § 1331.

4. The first cause of action in Plaintiffs' Complaint is brought under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* Plaintiffs allege that Defendants failed to compensate Plaintiffs for all of their hours worked and notify them of their rights under the FLSA. Because Plaintiffs are alleging violations of federal statutes, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and removal is appropriate.

5. This Notice of Removal is timely because it is being filed within 30 days of July 9, 2021 mailing of the Complaint by the Secretary of State to Defendant, and within 30 days of Defendant's July 20, 2021 receipt of the Complaint setting forth the claims for relief upon which the action is based in accordance with 28 U.S.C. § 1446(b).

6. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the Supreme Court, New York County, in which the action has been pending.

WHEREFORE, Defendant respectfully requests that the above-captioned action be removed from the Supreme Court of New York, New York County, to the United States District Court, Southern District of New York.

Dated: New York, New York
July 29, 2021

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: *Bradley J. Bartolomeo*
Bradley J. Bartolomeo, Esq.
Attorneys for Defendant ISS Facility Services, Inc.
77 Water Street, Suite 2100
New York, New York 10005
(212) 232-1300
Bradley.Bartolomeo@lewisbrisbois.com

TO: LEE LITIGATION GROUP, PLLC
C.K. Lee, Esq.
Attorneys for Plaintiffs
148 West 24th Street, 8th Floor
New York, New York 10011
212-465-1180
CKLee@leelitigation.com

CERTIFICATE OF SERVICE

Bradley J. Bartolomeo, an attorney duly admitted to practice before this Court, certifies that on July 29, 2021, he caused the Notice of Removal to be filed by ECF and served by first class mail upon the attorneys of record for plaintiff.

/s/ Bradley J. Bartolomeo

Bradley J. Bartolomeo